

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Terrell L. Howard

Docket No. 5:06-CR-224-1F

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Terrell L. Howard, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.5, Habitual Driving While Impaired, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 24, 2007, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 12 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as directed by the probation office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Terrell L. Howard was released from custody on March 12, 2010, at which time the term of supervised release commenced.

On August 4, 2010, the court was informed of the defendant's use of cocaine and failure to report. In response, the court ordered he be placed in a cognitive behavioral program and a vocational program, in addition to the substance abuse treatment program the defendant was already attending.

Terrell L. Howard
Docket No. 5:06-CR-224-1F
Petition For Action
Page 2

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On August 18, 2010, the defendant again tested positive for the use of cocaine. We will continue to require that he participate in testing and treatment programs. In addition, we recommend he serve a 4-day period of intermittent confinement as a sanction for his continued drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 4 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

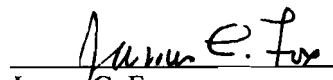
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 17, 2010

ORDER OF COURT

Considered and ordered this 20th day of September, 2010, and ordered filed and made a part of the records in the above case.


James C. Fox
Senior U.S. District Judge